

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMIE G. BADE,

Plaintiff,

v.

HUNDRED CIRCLE FARM, et al.,

Defendants,

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No. 4:14CV1040 NAB

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's complaint for violations of state law and motion for leave to proceed in forma pauperis. The motion for leave to proceed in forma pauperis is granted.

Plaintiff alleges that in July 2007 he ordered a meal from McDonald's. He claims there was a puppy's tooth in the fries and that he injured his teeth and mouth when he bit down on it. Named as defendants are Hundred Circle Farm, Con Agra Foods, Inc., Gateway Distribution, McDonald's Corporation, Michael T. Klak, Deborah T. Klak, and McDonald's of Washington.

At the outset of any case, it is imperative that the Court determine whether it has jurisdiction to hear it. Title 28 U.S.C. § 1332 gives federal courts jurisdiction over state law claims where the parties are diverse and the amount in controversy exceeds \$75,000.

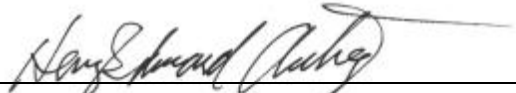
Plaintiff is a resident of Missouri. Plaintiff alleges that defendants McDonald's Corporation, Michael Klak, and Deborah Klak also reside in Missouri. As a result, the parties are not diverse, and it appears that the Court lacks subject matter jurisdiction.

Because plaintiff is pro se, the Court will order him to show cause why this action should not be dismissed for want of subject matter jurisdiction.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff shall show cause, in writing and no later than twenty-one (21) days from the date of this Memorandum and Order, why this action should not be dismissed for want of subject matter jurisdiction.

Dated this 9th day of June, 2014.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE